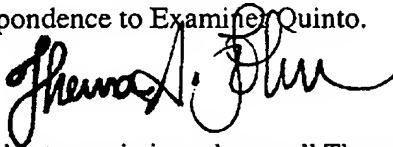


**T.A. LOBER PATENT SERVICES**45 WALDEN STREET  
CONCORD, MASSACHUSETTS 01742**PATENT REPRESENTATION BEFORE THE  
U.S. PATENT & TRADEMARK OFFICE**OFFICE 978.369.2181  
FACSIMILE 978.369.7101  
INTERNET [lober@lober-patent.com](mailto:lober@lober-patent.com)**FACSIMILE TRANSMISSION****TO** Examiner Kevin V. Quinto  
Art Unit 2826  
COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450**RECEIVED**  
CENTRAL FAX CENTER

APR 20 2005

**FACSIMILE** 703-872-9306  
**TELEPHONE** 571 272 1920  
**DATE** 20 April 2005  
**FROM** Theresa A. Lober  
**PAGES** 3  
including this  
**RE:** Application No. : 10/612,174  
Confirmation No.: 5221  
**Applicants:** Reich et al.  
**Filed:** July 2, 2003  
**Docket No.:** MIT8806L**MESSAGE**Please deliver this correspondence to Examiner Quinto.  
Thank you for your help.

If there is a problem with this transmission, please call Theresa Lober at 978 369 2181.

---

*This facsimile transmission may contain confidential information that is protected by agent/client privilege. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you receive this transmission in error, please immediately notify the sender by telephone to arrange for the return of the documents.*

Application No. 10/612,174  
Response Dated April 20, 2005  
Reply to Examiner's Action of January 27, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No. : 10/612,174 Confirmation No.: 5221**

**Applicants: Robert K. Reich et al.**

**Filed: July 2, 2003**

**TC/A.U.: 2826**

**Examiner: K. Quinto**

**Docket No.: MIT8806L**

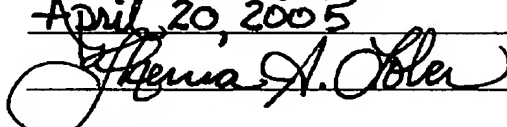
**For: High-Speed, High-Sensitivity  
Charge-Coupled Device**

RECEIVED  
CENTRAL FAX CENTER

APR 20 2005

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

I hereby certify that this correspondence is  
being sent by facsimile on the date shown below  
to facsimile number: 703-872-9306, the direct  
facsimile number for group 2826.

April 20, 2005  
  
**RESPONSE**

This is in response to the Examiner's Action mailed January 27, 2005.  
This response is made within the three month statutory period for reply.

Immediately upon receipt of the Examiner's Action, the undersigned Agent called the Examiner to discuss the Action and conduct a brief telephone interview. The Examiner is thanked for that discussion. The substance of the interview discussion is herein summarized.

The claims were rejected under 35 U.S.C. §102(e) as being anticipated by Reich et al., "High-Fill-Factor, Burst-Frame-Rate Charge-coupled Device," *International Electron Device Meeting and IEDM Technical Digest*, pp. 567-570, December 2001.

Application No. 10/612,174  
Response Dated April 20, 2005  
Reply to Examiner's Action of January 27, 2005

35 U.S.C. §102(e) requires that a prior art reference cited against a patent application itself be an application for patent or be a previously granted patent. But the Reich reference cited by the Examiner is a journal publication, not an application for patent or a previously granted patent. The Applicants therefore respectfully submit that this claim rejection is improper.

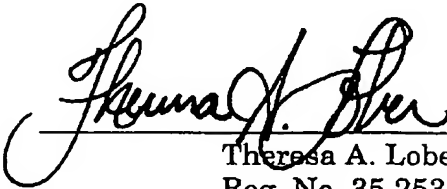
In the telephone interview, the Examiner agreed that the 35 U.S.C. §102(e) rejection of the claims was improper and indicated that he would issue a new Examiner's Action. The Applicants have not to date received a new Action and therefore request that the Examiner withdraw this rejection of the claims.

The undersigned Agent further noted in the telephone interview that on sheet 1 of the Applicants' Information Disclosure Statement, Item L was not initialed by the Examiner. Attached is sheet 1 of the IDS indicating the lack of initialing for Item L. The Examiner is requested to consider Item L and once considered, initial sheet 1 and provide a copy of the signed sheet 1 to the undersigned Agent.

If the Examiner has any questions or would like to discuss the instant application, he is encouraged to telephone the undersigned Agent at his convenience.

Respectfully submitted,

Date: April 20, 2005  
T.A. Lober Patent Services  
45 Walden Street  
Concord, MA 01742  
Telephone 978.369.2181 / Facsimile 978.369.7101

  
Theresa A. Lober  
Reg. No. 35,253  
Agent for Applicants